

MINUTES

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA, SOUTHERN DIVISION

HON. MARK E. FULLER

AT MONTGOMERY, AL

DATE COMMENCED: 12/20/06

AT: 10:05 a.m.

DATE COMPLETED: 12/20/06

AT: 10:25 a.m.

Ruthie L. Windsor

§

§

vs.

§

CV NO. 1:05CV1196-MEF

§

Francis J. Harvey

§

PLAINTIFF

APPEARANCES:

DEFENDANT

Henry Lee Penick

R. Randolph Neeley

COURT OFFICIALS PRESENT:

Jimmy Dickens, Court Reporter

Barbara Wells, Law Clerk

Kelli Gregg, Courtroom Clerk

COURTROOM PROCEEDINGS:

(X) Sanctions Hearing

10:05 a.m. - Court convenes.

Plaintiff's counsel states reasons for filing his Motion to Dismiss with the Court.

Government will join in on the Motion to Dismiss filed by the Plaintiff. Court will interpret the Motion to Dismiss as a Joint Motion to Dismiss and will GRANT this motion.

Plaintiff's counsel addresses the Court regarding sanctions that have been placed against him by this Court on several occasions in the past and his behavior in this case. Counsel promises to be more tentative with his cases in this Court.

Court finds that counsel has willfully and repeatedly violated orders of this Court and sentences Counsel to 3 days in custody and a \$250.00 fine in sanctions. The custodial part is suspended at this time. Fine is due immediately to the Clerk of Court, Middle District of Alabama. If Counsel violates any conditions of this Courts orders, Counsel will be

picked up and will serve his 3 days in the United States Marshal's custody.
Court will enter a final judgment in this case later today.

10:25 a.m. - Court is in recess.